



September 21, 2015

Public Statement by Kimberly Wise White, Ph.D on behalf of the American Chemistry Council, to the EPA's Science Advisory Board (SAB) on the Draft SAB Report on the EPA's Draft Fourth Contaminant Candidate List (CCL 4)

Comments submitted via email to Mr. Thomas Carpenter, Designated Federal Officer

Introduction

Good morning members of the Chartered SAB;

The American Chemistry Council (ACC) appreciates this opportunity to provide comments on the Draft SAB Drinking Water Committee (DWC) Report for the EPA's Draft Fourth Contaminant Candidate List (CCL 4). A rigorous peer review process is an essential element to ensure that the substances included in the CCL 4 are warranted based on the available scientific information. We appreciate the effort you have undertaken to conduct a quality review of the DWC's report. The Chartered SAB's review is a key function of the SAB process and it helps to ensure that all charge questions assigned to the SAB committee are adequately addressed.

In the charge to the SAB, the EPA requested comments on the substances included on the Draft CCL 4 and suggestions for improvements to the process for future CCLs¹. The SAB draft report provides helpful recommendations to improve the documentation and transparency of the decision making process for identifying substances for inclusion on a CCL and suggests other valuable methods to gather occurrence data and identify emerging contaminants. Also included in the Agency's charge to the SAB were requests for input on (a) whether there were any contaminants currently on the Draft CCL 4 that did not merit inclusion on the list and (b) whether there were any contaminants which are currently not on the Draft CCL 4 that should be listed². Unfortunately, these two charge questions have not been sufficiently addressed. Therefore, the Chartered SAB should reject the report and send it back to the SAB Drinking Water Committee so that they can properly address these two charge questions. I'd like to highlight two points.

- 1. The draft report dated September 4th 2015 has removed a recommendation to review a specific substance for inclusion/exclusion on the list.**

The SAB's draft report dated June 30, 2015, included recommendations that two chemicals be reconsidered. Nonylphenol was recommended for review based on possible errors with the data used for its listing. In addition, chloropicrin was recommended for review based on possible lack of evidence supporting its removal. The current report however, without explanation, has

¹ See the charge provided by EPA available at: [http://yosemite.epa.gov/sab/sabproduct.nsf/0/BBA70D6B7CFE8F2285257C9900763867/\\$File/CCL%204%20SAB%20CHARGE%20QUESTIONS_03_10_15.pdf](http://yosemite.epa.gov/sab/sabproduct.nsf/0/BBA70D6B7CFE8F2285257C9900763867/$File/CCL%204%20SAB%20CHARGE%20QUESTIONS_03_10_15.pdf).

² See, in particular, charge questions #3 and #4 which directly address this topic.



removed all language and recommendations for reconsidering nonylphenol but maintains the language for chloropicrin and recommends that chloropicrin remain on the CCL 4. We are at a loss to understand why the recommendation for nonylphenol was removed from the current report.

2. The SAB report notes the CCL list is too large for review to determine if substances should be added or removed.

The SAB makes several valuable recommendations for the Agency to consider when prioritizing substances and presenting the results of the CCL scoring and selection criteria and when describing the process for removing substances from the CCL. However, despite the explicit charge from EPA, the current draft report fails to address whether chemical substances should be removed from the list. While the CCL 4 is extensive, public commenters have presented compelling toxicity, occurrence, biomonitoring, environmental persistence and chemical properties information for several substances (i.e., nonylphenol, toluene diisocyanate, n-butanol, ethylene glycol, and ethylene oxide) which warrant the SAB's recommendation that the Agency undertake a review of these substances for listing reconsideration. The SAB has provided no compelling arguments for ignoring scientifically valid information which has been presented by the public to inform the review. It is also the SAB's responsibility to respond to all charge questions. By choosing to not respond the SAB has unduly narrowed the charge it received from EPA.³

Notably, during the August 3rd SAB DWC public teleconference, there was significant discussion among the DWC with respect to including a recommendation in the report that EPA reconsider the data on toluene diisocyanate (TDI) based on the compelling public comments that were presented to the DWC. ACC is disappointed that the DWC ultimately decided that they will not make any recommendations regarding specific chemicals, including TDI, despite the fact that one of their charge questions was whether there are any chemicals that do not merit inclusion on the list. Furthermore, the DWC is inconsistent in their approach since recommendations are made with respect to other contaminants that do or do not merit inclusion on the list including pathogens, estrogen hormones and disinfection byproducts.

Conclusion

The Chartered SAB should reject the draft report until the SAB Drinking Water Committee adequately addresses the charge questions posed to them by the Agency. The report should be revised to specifically address whether there are any contaminants currently on the Draft CCL 4 that do or do not merit inclusion on the list (as required by charge questions #3 and #4). If the SAB does not currently possess sufficient expertise to review the CCL 4, additional experts should be identified to assist in the review before the report is finalized by the Chartered SAB. Thank you for your time and I appreciate the opportunity to speak to you today. I hope this information has been useful.

³ The SAB FY12 initiatives to enhance public involvement in advisory activities specifically note that "The Staff Office and advisory committees will not accept a charge from the agency that unduly narrows the scope of an advisory activity." In this case, at the 11th hour, the advisory committee has unilaterally, without any public discourse, determined that they will not respond to certain charge questions. The SAB FY12 initiatives are available at: <http://yosemite.epa.gov/sab/sabproduct.nsf/Web/PublicInvolvement?OpenDocument>

